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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-206500

DATE: March 2, 1982

MATTER OF: Oscar Holmes and Sons

DIGEST:

GAO will not consider protests question-
ing bidder's small business status
because conclusive authority to determine
size status is vested in the Small Busi-
ness Administration.

Oscar Holmes and Sons protests the award of a con-
tract under solicitation No. DACA 31-82-B-0024, a
small business set-aside issued by the Department of
the Army, to Eastern Transways Corporation. The pro-
tester contends that Eastern Transways is not a small
business concern.

Pursuant to 15 U.S.C. §637(b)(6) (1976), the conclu-
sive authority to determine the size status of a business
concern is vested in the Small Business Administration.
Therefore, this office does not review challenges to the
small business size status of a bidder. Bay Cities Refuse
Service, Inc., B-189203, June 7, 1977, 77-1 CPD 410.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel